

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2005-1041-MWD-E **TCEQ ID:** RN102080660 **CASE NO.:** 25947  
**RESPONDENT NAME:** Camp For All Foundation

Page 1 of 2

|  |  |   |
|--|--|---|
| <b>ORDER TYPE:</b>   |  |   |
| <input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>   | <input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>              | <input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING<br/>SOAH HEARING</b>       |
| <input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>   | <input type="checkbox"/> <b>SHUTDOWN ORDER</b>                     | <input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL<br/>ENDANGERMENT ORDER</b> |
| <input type="checkbox"/> <b>AMENDED ORDER</b>  | <input type="checkbox"/> <b>EMERGENCY ORDER</b>                    |   |
| <b>CASE TYPE:</b>  |  |   |
| <input type="checkbox"/> <b>AIR</b>  | <input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b> | <input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>                  |
| <input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>  | <input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>            | <input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>                      |
| <input checked="" type="checkbox"/> <b>WATER QUALITY</b>   | <input type="checkbox"/> <b>SEWAGE SLUDGE</b>                      | <input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>                   |
| <input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>  | <input type="checkbox"/> <b>RADIOACTIVE WASTE</b>                  | <input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>                        |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Wastewater treatment facility located approximately 270 feet south of the intersection of Rehburg Road and Oliver Earl Lane north of Burton, Washington County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 20px;"><b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768</p> <p style="margin-left: 20px;"><b>TCEQ Enforcement Coordinator:</b> Ms. Laurie Eaves, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896</p> <p style="margin-left: 20px;"><b>Respondent:</b> Ms. Vicki L. LaRue, President/CEO, Camp For All Foundation, 6301 Rehburg Road, Burton, Texas 77835; Ms. Janet Anderson, Director, Camp For All Foundation, 6301 Rehburg Road, Burton, Texas 77835</p> <p style="margin-left: 20px;"><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |  |   |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|--|---|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b><br/>None</p> <p><b>Date of Investigation Relating to this Case:</b><br/>April 11, 2005</p> <p><b>Date of NOE Relating to this Case:</b> May 25, 2005 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to comply with permitted effluent limitations during January, February, June, July, August, September, October, and December 2004 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013838001, Effluent Limitations and Monitoring Requirements No.1].</p> | <p><b>Total Assessed:</b> \$3,240</p> <p><b>Total Deferred:</b> \$648<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,592</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that CFAF returned to compliance with permitted effluent limitations during February 2005 as the result of improved sludge processing and management, and increased testing.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attached A).</p> |

**Attachment A**  
**Docket Number: 2005-1041-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                |   |
|--------------------------------|---|
| <b>Respondent:</b>             | <b>Camp for All Foundation</b>  |
| <b>Payable Penalty Amount:</b> | <b>Two Thousand Five Hundred Ninety-Two Dollars (\$2,592)</b>   |
| <b>SEP Amount:</b>             | <b>Two Thousand Five Hundred Ninety-Two Dollars (\$2,592)</b>   |
| <b>Type of SEP:</b>            | <b>Pre-approved</b>   |
| <b>Third-Party Recipient:</b>  | <b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Wastewater Treatment Assistance</b> |
| <b>Location of SEP:</b>        | <b>Washington County</b>  |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive  
Bryan, Texas 77802-2700

## **3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.



**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

|              |                 |             |                  |             |                |             |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 06-Jun-2005 | <b>Screening</b> | 14-Jun-2005 | <b>EPA Due</b> | 05-Aug-2005 |
|              | <b>PCW</b>      | 28-Jun-2005 |                  |             |                |             |

## RESPONDENT/FACILITY INFORMATION

|                             |                         |
|-----------------------------|-------------------------|
| <b>Respondent</b>           | Camp For All Foundation |
| <b>Reg. Ent. Ref. No.</b>   | RN102080660             |
| <b>Facility/Site Region</b> | 9-Waco                  |
| <b>Major/Minor Source</b>   | Minor Source            |

## CASE INFORMATION

|  |                 |                          |                    |
|--|-----------------|--------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 25947           | <b>No. of Violations</b> | 1                  |
| <b>Docket No.</b>                      | 2005-1041-MWD-E | <b>Order Type</b>        | 1660               |
| <b>Media Program(s)</b>                | Water Quality   | <b>Enf. Coordinator</b>  | Laurie Eaves       |
| <b>Multi-Media</b>                     |                 | <b>EC's Team</b>         | Enforcement Team 1 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>           | \$10,000           |

## Penalty Calculation Section

|   |                   |                |
|---|-------------------|----------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | <b>\$2,000</b> |
|---|-------------------|----------------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

|                           |                  |                                |                |
|---------------------------|------------------|--------------------------------|----------------|
| <b>Compliance History</b> | 102% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$2,040</b> |
|---------------------------|------------------|--------------------------------|----------------|

**Notes** The Respondent self-reported 20 months of effluent violations and was issued one written NOV for violations not considered to be the same or similar.

|                    |    |                |                   |            |
|--------------------|----|----------------|-------------------|------------|
| <b>Culpability</b> | No | 0% Enhancement | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|----------------|-------------------|------------|

**Notes** The Respondent does not meet the culpability criteria.

|                                    |               |                   |               |
|------------------------------------|---------------|-------------------|---------------|
| <b>Good Faith Effort to Comply</b> | 25% Reduction | <b>Subtotal 5</b> | <b>-\$500</b> |
|------------------------------------|---------------|-------------------|---------------|

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      | X          |                               |
| N/A           |            | (mark with a small x)         |

**Notes** The Respondent returned to compliance with permitted effluent limitations during February 2005 as the result of improved sludge processing and management, and increased testing.

|                         |                 |                   |            |
|-------------------------|-----------------|-------------------|------------|
| <b>Economic Benefit</b> | 0% Enhancement* | <b>Subtotal 6</b> | <b>\$0</b> |
|-------------------------|-----------------|-------------------|------------|

|                                   |         |  |
|-----------------------------------|---------|--|
| <b>Total EB Amounts</b>           | \$65    | <i>*Capped at the Total EB \$ Amount</i> |
| <b>Approx. Cost of Compliance</b> | \$1,200 |  |

|                             |                       |                |
|-----------------------------|-----------------------|----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$3,540</b> |
|-----------------------------|-----------------------|----------------|

|   |              |                   |               |
|---|--------------|-------------------|---------------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 8% Reduction | <b>Adjustment</b> | <b>-\$300</b> |
|---|--------------|-------------------|---------------|

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes** Recommended reduction to prevent the monthly self-reported violations from overly impacting the penalty.

|                             |                |
|-----------------------------|----------------|
| <b>Final Penalty Amount</b> | <b>\$3,240</b> |
|-----------------------------|----------------|

|                                   |                               |                |
|-----------------------------------|-------------------------------|----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$3,240</b> |
|-----------------------------------|-------------------------------|----------------|

|                 |               |                   |               |
|-----------------|---------------|-------------------|---------------|
| <b>DEFERRAL</b> | 20% Reduction | <b>Adjustment</b> | <b>-\$648</b> |
|-----------------|---------------|-------------------|---------------|

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited settlement.

|                        |                |
|------------------------|----------------|
| <b>PAYABLE PENALTY</b> | <b>\$2,592</b> |
|------------------------|----------------|



|                                |                         |   |                 |            |
|--------------------------------|-------------------------|---|-----------------|------------|
| <b>Screening Date</b>          | 14-Jun-2005             | <b>Docket No.</b>                         | 2005-1041-MWD-E | <b>PCW</b> |
| <b>Respondent</b>              | Camp For All Foundation | <i>Policy Revision 2 (September 2002)</i> |                 |            |
| <b>Case ID No.</b>             | 25947                   | <i>PCW Revision May 19, 2005</i>          |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102080660             |   |                 |            |
| <b>Media [Statute]</b>         | Water Quality           |   |                 |            |
| <b>Enf. Coordinator</b>        | Laurie Eaves            |   |                 |            |

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )   | 20                | 100%    |
|                               | Other written NOVs   | 1                 | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )                               | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>                 | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

**Adjustment Percentage (Subtotal 2)** 102%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

##### Compliance History Notes

The Respondent self-reported 20 months of effluent violations and was issued one written NOV for violations not considered to be the same or similar.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 102%



|                                |  |                   |                 |   |
|--------------------------------|--|-------------------|-----------------|---|
| <b>Screening Date</b>          | 14-Jun-2005  | <b>Docket No.</b> | 2005-1041-MWD-E | <b>PCW</b>                                |
| <b>Respondent</b>              | Camp For All Foundation  |                   |                 | <i>Policy Revision 2 (September 2002)</i> |
| <b>Case ID No.</b>             | 25947  |                   |                 | <i>PCW Revision May 19, 2005</i>          |
| <b>Reg. Ent. Reference No.</b> | RN102080660  |                   |                 |   |
| <b>Media [Statute]</b>         | Water Quality  |                   |                 |   |
| <b>Enf. Coordinator</b>        | Laurie Eaves   |                   |                 |   |
| <b>Violation Number</b>        | 1  |                   |                 |   |
| <b>Primary Rule Cite(s)</b>    | Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013838001, Effluent Limitations and Monitoring Requirements No. 1                     |                   |                 |   |
| <b>Secondary Rule Cite(s)</b>  |  |                   |                 |   |
| <b>Violation Description</b>   | Failure to comply with permitted effluent limitations during January, February, June, July, August, September, October, and December 2004 as detailed in the effluent chart. |                   |                 |   |
| <b>Base Penalty</b>            |  |                   |                 | \$10,000                                  |

|   |   |       |          |                    |
|---|---|-------|----------|--------------------|
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b> |   |       |          |                    |
| OR  | <b>Harm</b>   |       |          |                    |
|   | <b>Release</b>  | Major | Moderate | Minor              |
|   | Actual  |       |          | X                  |
|   | Potential   |       |          |                    |
|   |   |       |          | <b>Percent</b> 10% |
| <b>&gt;&gt; Programmatic Matrix</b>                             |   |       |          |                    |
|   | Falsification   | Major | Moderate | Minor              |
|   |   |       |          |                    |
|   |   |       |          | <b>Percent</b>     |
| <b>Matrix Notes</b>   | A simplified model was utilized to evaluate the values for NH3-N, BOD5, and Flow to determine whether the discharged amounts of pollutants exceeded protective levels. In addition, total suspended solids were considered. The amounts discharged at the time of the violations were insignificant and did not exceed protective levels. |       |          |                    |
| <b>Adjustment</b>   |   |       |          | -\$9,000           |
| <b>Base Penalty Subtotal</b>                                    |   |       |          | \$1,000            |

|  |              |      |  |         |
|--|--------------|------|--|---------|
| <b>Violation Events</b>  |              |      |  |         |
| <b>Number of Violation Events</b>                                  |              | 2    |  |         |
| mark only one<br>use a small x                                     | daily        |      |  |         |
|  | monthly      |      |  |         |
|  | quarterly    |      |  |         |
|  | semiannual   | X    |  |         |
|  | annual       |      |  |         |
|  | single event |      |  |         |
| <b>Violation Base Penalty</b> \$2,000                              |              |      |  |         |
| Two semiannual events are recommended.                             |              |      |  |         |
| <b>Economic Benefit (EB) for this violation</b>                    |              |      |  |         |
| <b>Estimated EB Amount</b>   |              | \$65 |  |         |
| <b>Statutory Limit Test</b>  |              |      |  |         |
| <b>Violation Final Penalty Total</b>                               |              |      |  | \$3,240 |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |              |      |  | \$3,240 |



**Economic Benefit Worksheet****Respondent** Camp For All Foundation**Case ID No.** 25947**Reg. Ent. Reference No.** RN102080660**Media [Statute]** Water Quality**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |         |             |             |     |      |     |      |
|--------------------------|---------|-------------|-------------|-----|------|-----|------|
| Equipment                |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Buildings                |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Other (as needed)        |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Engineering/construction |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Land                     |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Record Keeping System    |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Training/Sampling        |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Remediation/Disposal     |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Permit Costs             |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Other (as needed)        | \$1,200 | 01-Jan-2004 | 01-Feb-2005 | 1.1 | \$65 | n/a | \$65 |

**Notes for DELAYED costs**

Estimated cost for additional oversight and sampling which may have alleviated or prevented the noncompliances. Date Required is the first month of noncompliance. Final Date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**Approx. Cost of Compliance **\$1,200****TOTAL** **\$65**





Effluent Chart  
Camp For All Foundation  
RN102080660  
Docket No. 2005-1041-MWD-E

| Month          | Total Suspended Solids Daily Average Concentration<br>Limit = 15 mg/L | Five-Day Biochemical Oxygen Demand Daily Average Concentration Limit = 10 mg/L | Five-Day Biochemical Oxygen Demand Single Grab Limit = 35 mg/L |
|----------------|---|--|--|
| January 2004   | 16.25   | c  | c  |
| February 2004  | 17.00   | c  | c  |
| June 2004      | 17.00   | 13.00  | c  |
| July 2004      | 15.80   | 16.96  | c  |
| August 2004    | 33.25   | 33.38  | 46.50  |
| September 2004 | 19.80   | c  | c  |
| October 2004   | 21.25   | c  | c  |
| December 2004  | 19.60   | c  | c  |

mg/L = milligrams per liter  
c = compliant



# Compliance History

Customer/Respondent/Owner-Operator: CN600708788 Camp for all Foundation Classification: AVERAGE Rating: 0.860

Regulated Entity: RN102080660 CAMP FOR ALL FOUNDATION Classification: AVERAGE Site Rating: 0.86

ID Number(s):

|                      |         |              |
|----------------------|---------|--------------|
| WASTEWATER LICENSING | LICENSE | WQ0013838001 |
| WASTEWATER           | PERMIT  | TX0114413    |
| WASTEWATER           | PERMIT  | TPDES0114413 |
| WASTEWATER           | PERMIT  | WQ0013838001 |

Location: Approximately 270 feet south of the intersection of Rehburg Road and Oliver Earl Lane north of  
Burton, Washington County, Texas  
Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: June 14, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 14, 2000 to June 14, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Laurie Eaves Phone: 512/239-4495

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

|    |            |          |
|----|------------|----------|
| 2  | 11/15/2001 | (229169) |
| 4  | 11/13/2000 | (229168) |
| 6  | 10/10/2002 | (229167) |
| 8  | 11/01/2001 | (229166) |
| 10 | 10/23/2000 | (229165) |
| 12 | 09/30/2002 | (229164) |
| 14 | 09/24/2001 | (229163) |
| 16 | 09/21/2000 | (229162) |
| 18 | 08/28/2002 | (229161) |
| 20 | 08/28/2001 | (229160) |
| 22 | 08/23/2000 | (229159) |
| 24 | 07/23/2001 | (229158) |
| 26 | 07/24/2000 | (229157) |
| 28 | 09/29/2000 | (247590) |
| 30 | 06/25/2002 | (229156) |
| 32 | 06/13/2001 | (229155) |
| 34 | 05/13/2002 | (229154) |



36 05/24/2001 (229153)  
 38 04/11/2003 (229152)  
 40 04/24/2002 (229151)  
 42 04/16/2001 (229150)  
 44 03/25/2003 (229147)  
 46 03/20/2002 (229146)  
 48 03/20/2001 (229145)  
 50 02/24/2003 (229144)  
 52 02/19/2002 (229143)  
 54 03/06/2001 (229142)  
 56 05/17/2004 (365724)  
 58 06/09/2004 (365725)  
 60 07/26/2004 (365726)  
 62 08/26/2004 (365727)  
 64 09/17/2004 (365728)  
 66 10/21/2004 (365729)  
 68 02/10/2005 (389346)  
 70 03/15/2005 (389347)  
 72 11/29/2004 (389348)  
 74 12/13/2004 (389349)  
 76 01/24/2005 (389350)  
 78 02/20/2004 (325196)  
 80 06/01/2005 (377330)  
 82 03/18/2004 (325197)  
 84 04/12/2004 (325198)  
 86 05/27/2003 (325199)  
 88 06/27/2003 (325200)  
 90 07/23/2003 (325201)  
 92 09/25/2003 (325202)  
 94 10/24/2003 (325203)  
 96 11/12/2003 (325204)  
 98 12/19/2003 (325205)  
 100 01/22/2004 (325206)  
 102 01/24/2003 (229177)  
 104 01/28/2002 (229176)  
 106 01/25/2001 (229175)  
 108 10/06/2000 (229174)  
 110 12/27/2002 (229173)  
 112 12/27/2001 (229172)  
 114 12/22/2000 (229171)  
 116 11/27/2002 (229170)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2002 (229164)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2002 (229161)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2000 (229157)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/29/2000 (247590)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/28/2003 (229147)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter



|   |          |                          |
|---|----------|--------------------------|
| Date: 02/28/2002<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (229146) | Classification: Moderate |
| Date: 01/31/2003<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (229144) | Classification: Moderate |
| Date: 01/31/2002<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (229143) | Classification: Moderate |
| Date: 01/31/2001<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (229142) | Classification: Moderate |
| Date: 06/30/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (365726) | Classification: Moderate |
| Date: 07/31/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (365727) | Classification: Moderate |
| Date: 08/31/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (365728) | Classification: Moderate |
| Date: 09/30/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (365729) | Classification: Moderate |
| Date: 01/31/2005<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (389346) | Classification: Moderate |
| Date: 10/31/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (389348) | Classification: Moderate |
| Date: 12/31/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (389350) | Classification: Moderate |
| Date: 01/31/2004<br>Self Report? YES<br>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]<br>Description: Failure to meet the limit for one or more permit parameter | (325196) | Classification: Moderate |
| Date: 02/29/2004  | (325197) |                          |





Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 06/30/2003 (325201)  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 12/31/2002 (229177)  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 12/31/2001 (229176)  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CAMP FOR ALL FOUNDATION  
RN102080660**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2005-1041-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Camp For All Foundation ("CFAF") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and CFAF appear before the Commission and together stipulate that:

1. CFAF owns and operates a wastewater treatment facility located approximately 270 feet south of the intersection of Rehburg Road and Oliver Earl Lane north of Burton, Washington County, Texas (the "Facility").
2. CFAF has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and CFAF agree that the Commission has jurisdiction to enter this Agreed Order, and that CFAF is subject to the Commission's jurisdiction.
4. CFAF received notice of the violations alleged in Section II ("Allegations") on or about May 30, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by CFAF of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Two Hundred Forty Dollars (\$3,240) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Five Hundred Ninety-Two Dollars (\$2,592) shall be conditionally offset by CFAF's completion of a Supplemental Environmental Project and Six Hundred Forty-Eight Dollars (\$648) is deferred contingent upon CFAF's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If CFAF fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require CFAF to pay all or part of the deferred penalty.



7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and CFAF have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that CFAF returned to compliance with permitted effluent limitations during February 2005 as the result of improved sludge processing and management, and increased testing.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that CFAF has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, CFAF is alleged to have failed to comply with permitted effluent limitations during January, February, June, July, August, September, October, and December 2004 as detailed in the effluent chart below, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0013838001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on April 11, 2005:

| Month          | Total Suspended Solids Daily Average Concentration Limit = 15 mg/L | Five-Day Biochemical Oxygen Demand Daily Average Concentration Limit = 10 mg/L | Five-Day Biochemical Oxygen Demand Single Grab Limit = 35 mg/L |
|----------------|--|--|--|
| January 2004   | 16.25  | c  | c  |
| February 2004  | 17.00  | c  | c  |
| June 2004      | 17.00  | 13.00  | c  |
| July 2004      | 15.80  | 16.96  | c  |
| August 2004    | 33.25  | 33.38  | 46.50  |
| September 2004 | 19.80  | c  | c  |
| October 2004   | 21.25  | c  | c  |
| December 2004  | 19.60  | c  | c  |

c = compliant

mg/L = milligrams per liter



### III. DENIALS

CFAF generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that CFAF pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and CFAF's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Camp For All Foundation, Docket No. 2005-1041-MWD-E" to:  
  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. CFAF shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Two Thousand Five Hundred Ninety-Two Dollars (\$2,592) of the assessed administrative penalty shall be offset with the condition that CFAF implement the SEP defined in Attachment A, incorporated herein by reference. CFAF's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. If CFAF fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, CFAF's failure to comply is not a violation of this Agreed Order. CFAF has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. CFAF shall notify the Executive Director within seven days after CFAF becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by CFAF shall be made in writing to the Executive Director. Extensions are not effective until CFAF receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The provisions of this Agreed Order shall apply to and be binding upon CFAF. CFAF is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to CFAF if the Executive Director determines that CFAF has not complied with one or more of the terms or conditions in this Agreed Order.





7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against CFAF in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

7/17/07  
~~March 26, 2007~~ P  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

March 26, 2007  
\_\_\_\_\_  
Date

Vicki L. LaRue  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Camp For All Foundation

President / CEO  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

Attachment A  
Docket Number: 2005-1041-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                |   |
|--------------------------------|---|
| <b>Respondent:</b>             | <b>Camp for All Foundation</b>  |
| <b>Payable Penalty Amount:</b> | <b>Two Thousand Five Hundred Ninety-Two Dollars (\$2,592)</b>   |
| <b>SEP Amount:</b>             | <b>Two Thousand Five Hundred Ninety-Two Dollars (\$2,592)</b>   |
| <b>Type of SEP:</b>            | <b>Pre-approved</b>   |
| <b>Third-Party Recipient:</b>  | <b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Wastewater Treatment Assistance</b> |
| <b>Location of SEP:</b>        | <b>Washington County</b>  |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive  
Bryan, Texas 77802-2700

## **3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.





**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

